

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

TYSON FOODS, INC., et al,)

Defendants.)

4:05-CV-00329-TCK-SAJ

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THE VIDEOTAPED DEPOSITION OF
GORDON JOHNSON, PhD, produced as a witness on
behalf of the Defendants in the above styled and
numbered cause, taken on the 4th day of February,
2008, in the City of Tulsa, County of Tulsa, State
of Oklahoma, before me, Lisa A. Steinmeyer, a
Certified Shorthand Reporter, duly certified under
and by virtue of the laws of the State of Oklahoma.

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918-587-2878

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1 or applied and so to the extent that question would
2 remain, the information I cited answers the
3 question.

4 Q You believe that the records from ODAFF, which
5 identify what integrator a contract grower is 04:58PM
6 associated with, helps you determine an integrator's
7 involvement in the land application of poultry
8 litter?

9 A I haven't made that determination.

10 Q Have you actually looked at the actual 04:58PM
11 records, not summaries of them, the actual records
12 that ODAFF maintains on litter application?

13 A No. I looked at the information that you've
14 seen.

15 Q Okay, and that's not the actual records that 04:58PM
16 are --

17 A That's correct. At least I believe that's
18 correct.

19 Q If I understand, the opinions in your
20 affidavit, as well as the things we've discussed 04:58PM
21 today, I mean to sum it up, your opinion is that
22 poultry litter should not be applied to fields in
23 excess of 65 soil test phosphorus?

24 A Yes.

25 Q All right, and that's based solely on 04:59PM

1 phosphorus?

2 A Yes.

3 Q And you're saying that, you know, if somebody
4 applies poultry litter to a field that has 65 STP,
5 there's no agronomic benefit from the phosphorus?

04:59PM

6 A That's correct.

7 Q But you would agree with me that there may be
8 or could be an agronomic benefit in that situation
9 for other components of poultry litter?

10 A Yes.

04:59PM

11 Q Okay. If you look at your affidavit, which I
12 think is Exhibit 4, look at Page 7, it's Paragraph
13 7B. I'm going to go through these paragraphs. 7B
14 starts with a second dataset of STP values for IRW
15 soils from defendants, George's and Tyson, show that
16 for a period of 2000 to 2005, and it goes on. Are
17 you contending that an actual dataset compiled by
18 the defendants, George's and Tyson, were provided in
19 this case?

05:00PM

20 A It's my understanding that the -- no, not a
21 dataset as such, but it's my understanding that the
22 soil test results that I put into this Excel file
23 were provided by the defendants.

05:00PM

24 Q Isn't it true that you created an Excel file
25 by entering data from soil test results that were

05:00PM